

1 STATE OF TENNESSEE
2 ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

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8 QUARTERLY MEETING OF THE
9 STATE OF TENNESSEE
10 ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

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18 September 12, 2018

19 ORIGINAL

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23 CASSANDRA M. BEILING, LCR# 371
24 STONE & GEORGE COURT REPORTING
25 2020 Fieldstone Parkway
Suite 900 - PMB 234
Franklin, Tennessee 37069
615.221.1089

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1 APPEARANCES:
 2 Robbie Fox, Chairman
 Fixed Amusement Device Representative
 3
 4 Chris Farmer
 Elevator Inspector Supervisor
 5 Mike H. Hardy
 Amusement Device Manager
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 7 David Hale, Board Member
 Tennessee Fair Association Representative
 8 Kelly O'Connor, Board Member
 Public at Large Representative
 9
 10 Larry R. Moore, II, Board Member
 Owner and Lessees Representative
 11 Lewis Moorer, Jr., Board Member
 Public at Large Representative
 12
 13 Mitch H. Rader, Board Member
 Insurance Company Representative
 14 Victor LaPorte, Board Member
 Manufacturer Representative
 15
 16 Kim Y. Jefferson, Esq.
 Assistant Commissioner, State of Tennessee
 17 Dan Bailey, Esq.
 Legal Counsel, State of Tennessee
 18
 19 Lynn Kirby
 Board Secretary, State of Tennessee
 20
 21
 22
 23
 24 ** Reporter's Note: All names are spelled
 phonetically unless otherwise provided to the
 25 Reporter by the parties.

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1 * * * * *
 2 CHAIRMAN FOX: Good morning, folks.
 3 Welcome to the September 12th, 2018 Elevator and
 4 Amusement Device Safety Board Meeting.
 5 To get us started, we will call the
 6 meeting to order, and then we will start with the
 7 introductions. And because you're sitting on the
 8 right, it's your turn. Please introduce yourself,
 9 give us your name, what department you work with,
 10 and any other information you desire for us to
 11 know.
 12 MS. KIRBY: Lynn Kirby, AA3, and I
 13 work for WRC.
 14 MR. HARDY: Mike Hardy, WRC
 15 Amusement Device Manager.
 16 MR. FARMER: Chris Farmer,
 17 representing the elevator unit.
 18 MR. LAPORTE: Vic LaPorte, board
 19 member.
 20 CHAIRMAN FOX: Robbie Fox, board
 21 member.
 22 MR. RADER: Mitch Rader, board
 23 member.
 24 MS. O'CONNOR: Kelly O'Connor,
 25 board member.

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A G E N D A

2 I. Call Meeting to Order
 3 II. Introductions and Announcements
 4 III. Pledge
 5 IV. Adoption of Agenda
 6 V. Approval of the June 5, 2018 Minutes
 7 VI. Elevator Unit's Report
 8 VII. Amusement Device Unit's Report
 9 VIII. Old Business
 None
 10
 IX. New Business
 11 None
 12 X. Open Discussion Items:
 * Status of Vacant Safety Compliance
 13 Officer Positions
 * Process the Amusement Device Unit
 14 Utilizes to Discover New Rides/Attractions
 (Refer to Standard Operating Procedure-SOP)
 15
 XI. Announcement of Next Meeting- The next
 16 regularly scheduled meeting of the Elevator
 & Amusement Device Safety Board will be held
 17 at 9:00 a.m. (CDT) on Tuesday, December 4,
 2018 at the Tennessee Department of Labor
 18 and Workforce Development building, located
 at 220 French Landing Drive, Nashville,
 19 Tennessee.
 20 XII. Adjournment
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1 MR. MOORE: Larry Moore, board
 2 member.
 3 MR. MOORER: Lewis Moorer, board
 4 member.
 5 MS. JEFFERSON: Kim Jefferson,
 6 Assistant Commissioner, WRC.
 7 MR. BAILEY: Dan Bailey, legal
 8 counsel.
 9 MS. KELLY: Lynda Kelly, The
 10 Adventure Park at Nashville, general manager.
 11 MS. PAIGE: Ebony Paige, WRC, ASA3.
 12 MS. XIXIS: Tia Xixis, legislative
 13 liaison for the Tennessee Department of Labor and
 14 Workforce Development.
 15 MS. DURM: Good morning. It's good
 16 to see y'all.
 17 CHAIRMAN FOX: Good morning. It's
 18 good to see you.
 19 MS. DURM: Leanne Durm, legislative
 20 liaison for the Department.
 21 MS. KELSEY: Melinda Kelsey, chief
 22 of staff, Commissioner's office, Tennessee
 23 Department of Labor and Workforce Development.
 24 CHAIRMAN FOX: Glad to have you
 25 here, Ms. Kelsey.

<p style="text-align: right;">Page 6</p> <p>1 MS. KELSEY: Thank you, sir.</p> <p>2 MS. BARNETT: Doris Barnett, IT.</p> <p>3 MR. MCCRARY: Patrick McCrary,</p> <p>4 project manager with APTEAN, working with the WRC</p> <p>5 this week.</p> <p>6 MS. MURPHY: Jennifer Murphy,</p> <p>7 Amusement Device Unit.</p> <p>8 MR. KLUTTS: Kevin Klutts, Safety</p> <p>9 Device Officer, Amusement Device Unit.</p> <p>10 CHAIRMAN FOX: Okay. Good. Again,</p> <p>11 welcome. We're glad everybody is here. Thank you</p> <p>12 very much.</p> <p>13 If we could, we'll get started and</p> <p>14 we'll ask Brother Rader here, if he will, to do</p> <p>15 the Pledge of Allegiance.</p> <p>16 (Pledge of Allegiance recited.)</p> <p>17 CHAIRMAN FOX: Thank you.</p> <p>18 If you will, I would entertain a</p> <p>19 motion to adopt the agenda.</p> <p>20 MR. RADER: So moved.</p> <p>21 MR. MOORE: Second.</p> <p>22 CHAIRMAN FOX: We have a motion and</p> <p>23 a second. All in favor of the motion, let it be</p> <p>24 known by saying "aye."</p> <p>25 (Affirmative response.)</p>	<p style="text-align: right;">Page 7</p> <p>1 CHAIRMAN FOX: All opposed, like</p> <p>2 sign.</p> <p>3 (No verbal response.)</p> <p>4 CHAIRMAN FOX: Okay. Motion</p> <p>5 carries.</p> <p>6 Item Number 5, we have approval of</p> <p>7 the June 5th, 2018 minutes. You should have those</p> <p>8 in your packet or you should have been sent a copy</p> <p>9 of those. I would entertain a motion to approve.</p> <p>10 MR. RADER: So moved.</p> <p>11 MR. MOORE: Second.</p> <p>12 CHAIRMAN FOX: We have a motion and</p> <p>13 a second. Any discussion?</p> <p>14 (No verbal response.)</p> <p>15 CHAIRMAN FOX: Hearing none, all in</p> <p>16 favor of the motion, let it be known by saying</p> <p>17 "aye."</p> <p>18 (Affirmative response.)</p> <p>19 CHAIRMAN FOX: All opposed, like</p> <p>20 sign.</p> <p>21 (No verbal response.)</p> <p>22 CHAIRMAN FOX: Motion carries.</p> <p>23 All right. Mr. Farmer, it looks like</p> <p>24 you're up. But before you get started, let me ask</p> <p>25 you a question. Have we had any -- what type</p>
<p style="text-align: right;">Page 8</p> <p>1 injuries or how many injuries have we had on</p> <p>2 elevators, escalators, or things that go up and</p> <p>3 down?</p> <p>4 MR. FARMER: Probably in the</p> <p>5 mid-30s from last year. I actually sent Anita</p> <p>6 upstairs to get that number. I can give it to you</p> <p>7 a little bit later. But mainly, it's on</p> <p>8 escalators, and it's falls, people with luggage.</p> <p>9 We had, actually, not too long ago, somebody</p> <p>10 carrying a baby stroller on there with a baby in</p> <p>11 it, and they had an accident.</p> <p>12 CHAIRMAN FOX: Okay.</p> <p>13 MR. FARMER: Luckily, the baby was</p> <p>14 okay. The person, I guess, got injured trying</p> <p>15 to -- was saving the baby from flipping over. So</p> <p>16 that's what we see more than anything.</p> <p>17 CHAIRMAN FOX: Okay. I'm sorry. I</p> <p>18 didn't mean to throw you a curve there.</p> <p>19 MR. FARMER: No, that's all right.</p> <p>20 CHAIRMAN FOX: I just wanted to get</p> <p>21 that on the...</p> <p>22 MR. FARMER: Just to go over a few</p> <p>23 things. We have been very busy since the last</p> <p>24 board meeting. If you will remember, we were</p> <p>25 introducing our new computer system. The</p>	<p style="text-align: right;">Page 9</p> <p>1 inspectors and all the admin staff have completed</p> <p>2 most of their training on the new system, and it's</p> <p>3 working well.</p> <p>4 I think the part that we're most</p> <p>5 excited about is the electronic billing and the</p> <p>6 online payments. It's been working well, and it's</p> <p>7 built more for the public use. These owners can</p> <p>8 sign up for it, they can pay their invoices</p> <p>9 online, and they can actually download their</p> <p>10 operating permits. If they lose them or if they</p> <p>11 get stolen, they can get new ones without calling</p> <p>12 us, you know.</p> <p>13 Actually, we've gotten more use out</p> <p>14 of the system than we thought we would, just for</p> <p>15 the simple fact that we've introduced the elevator</p> <p>16 portion of the -- the contractor portion of it.</p> <p>17 And, actually, I want to thank Vic's company,</p> <p>18 KONE. They've been a big part in using it. And</p> <p>19 they were, like, our guinea pigs. Instead of</p> <p>20 mailing in permits and mailing in checks and us</p> <p>21 doing revenue, they can do it online now. So they</p> <p>22 can electronically send all the prints; I can</p> <p>23 review them; I can put them in the system; and it</p> <p>24 automatically emails them the invoice; they can</p> <p>25 pay. I mean, it's pretty streamline. So I would</p>

<p style="text-align: right;">Page 10</p> <p>1 like to thank them for doing that.</p> <p>2 Just to give you some numbers,</p> <p>3 we've -- since three months ago, since the last</p> <p>4 board meeting, we've processed 395 online payments</p> <p>5 for almost \$50,000 worth. So it's going to build</p> <p>6 and it's going to keep building.</p> <p>7 We do have some forms, if anybody is</p> <p>8 interested. If they want to sign up for them, we</p> <p>9 do have some owners of some elevators in here.</p> <p>10 MR. MOORE: Just a few.</p> <p>11 MR. FARMER: If y'all want to sign</p> <p>12 up for it, we can give you some forms to fill out</p> <p>13 and get you signed up for it.</p> <p>14 Staffing in the elevator unit, we</p> <p>15 currently have 25 field inspectors, three admin</p> <p>16 staff. That's including myself. Today we opened</p> <p>17 the register to fill the two open positions. And</p> <p>18 I know we had two positions last time, but we</p> <p>19 actually filled them and we had a couple retirees</p> <p>20 and some people resign. We wish them all the</p> <p>21 luck. Hopefully, we'll be fully staffed in about</p> <p>22 a month. And due to the growth in Nashville, we</p> <p>23 definitely need the help.</p> <p>24 I don't know if you remember me</p> <p>25 telling you guys about the fire department</p>	<p style="text-align: right;">Page 11</p> <p>1 training that we introduced. We actually have got</p> <p>2 one class behind us, and it was rave reviews over</p> <p>3 it. Robert Mathis, one of my West Tennessee</p> <p>4 inspectors -- I'm sorry -- South Tennessee</p> <p>5 inspectors, actually went to the Lincoln County</p> <p>6 Fire Department and gave a class, and I got</p> <p>7 nothing but rave reviews over what he did and over</p> <p>8 what the class provides for the Fund for safety.</p> <p>9 So if you know any fire departments in your area</p> <p>10 that are interested, please send them our way, and</p> <p>11 we'll be happy to do it for them.</p> <p>12 I did hand you-all out a sheet. It's</p> <p>13 a fact sheet to kind of give you-all the numbers,</p> <p>14 instead of me spilling them out to you. As you</p> <p>15 can see, the construction permits are up quite a</p> <p>16 bit of 693, the fiscal year of '16-'17, up to 868.</p> <p>17 Acceptance inspections are about the same way.</p> <p>18 They're up about 130. That's just new elevators</p> <p>19 that we accepted through the year. The biannuals</p> <p>20 are down little a bit, just for the simple fact</p> <p>21 that we're doing so many acceptance inspections.</p> <p>22 They take a day, a day and a half to do a</p> <p>23 brand-new elevator; where a biannual inspection</p> <p>24 doesn't take as long. So we're spending a little</p> <p>25 bit more time on the new -- on the growth.</p>
<p style="text-align: right;">Page 12</p> <p>1 MR. RADER: So "acceptance," those</p> <p>2 are new elevators?</p> <p>3 MR. FARMER: They're brand-new</p> <p>4 elevators. Any of the stuff that's listed below.</p> <p>5 And I kind of broke down the numbers for you of</p> <p>6 exactly what we inspect and how many there is in</p> <p>7 the state. Like, passenger elevators, there's</p> <p>8 13,149; freight elevators is 592; there's</p> <p>9 350 escalators; 10 moving walks; 257 dumbwaiters;</p> <p>10 we actually do 1,197 handicap lifts -- which is</p> <p>11 amazing. I didn't know there was that many --</p> <p>12 aerial lifts and tramways, that's ski lifts over</p> <p>13 Gatlinburg, there's 10 of them; and introduced to</p> <p>14 the state a couple years ago was the ski</p> <p>15 conveyors. Basically, what they are is they're</p> <p>16 conveyor belts. They run up the side of a</p> <p>17 mountain. Skiers get on and it pulls them to the</p> <p>18 top, they jump off, and go back down. So it's a</p> <p>19 little more -- it's a little faster than the lift</p> <p>20 type. I think they use them for tubes, too.</p> <p>21 That's about all I've got. I can</p> <p>22 entertain any questions. I enjoy questions.</p> <p>23 CHAIRMAN FOX: Any questions from</p> <p>24 the board?</p> <p>25 (No verbal response.)</p>	<p style="text-align: right;">Page 13</p> <p>1 CHAIRMAN FOX: All right. Thank</p> <p>2 you very much.</p> <p>3 MR. FARMER: You're very welcome.</p> <p>4 CHAIRMAN FOX: Mr. Hardy, I will</p> <p>5 assume you are giving the report on the Amusement</p> <p>6 Device Unit.</p> <p>7 MR. HARDY: Yes, sir. I also --</p> <p>8 there's a handout at the table with graphs on it.</p> <p>9 Our statistics -- I'll talk about our statistics</p> <p>10 and then a couple of other things.</p> <p>11 As far as permits issued, you're all</p> <p>12 aware that we started our new fiscal year on</p> <p>13 July 1. The Unit has issued 98 permits so far</p> <p>14 this fiscal year. But we haven't met since we</p> <p>15 closed out our previous fiscal year, so we ended</p> <p>16 fiscal year '17-'18 by issuing 408 permits. The</p> <p>17 year prior to that, we issued 348, so we finished</p> <p>18 the fiscal year with a 17 percent increase of</p> <p>19 companies permitted.</p> <p>20 As far as devices, individual</p> <p>21 devices, we have permitted 1,133 individual</p> <p>22 devices thus far this fiscal year. We closed out</p> <p>23 last fiscal year with 3,582 individual devices</p> <p>24 permitted. The previous year was 3,126, so we</p> <p>25 have a 14.6 percent increase, as far as annual</p>

<p style="text-align: right;">Page 14</p> <p>1 statistics, closed out '17-'18 versus the previous 2 year.</p> <p>3 The compliance officer and the 4 administrative staff are responsible for 5 permitting 25 new first-time permits so far this 6 year. We closed out fiscal year '17-'18 by 7 issuing 134 new permits. And the year prior to 8 that, we issued 83 new permits. So as far as our 9 year-ending statistic, that is a 61 percent 10 increase of new companies permitted over fiscal 11 year '16-'17.</p> <p>12 I'm excited. I think the staff is 13 excited about the remaining fiscal year, 14 optimistic to see what we can get accomplished. 15 We're kind of young into this year, but with the 16 staff, optimistic to see what we can get 17 accomplished this fiscal year and don't anticipate 18 anything but continued growth there. Our goal, 19 again, is by the end of this year, we'll have 20 located, you know, with a few exceptions that we 21 talked about, people dropping off and coming in. 22 But by the end of this fiscal year, we should have 23 located the majority of the companies doing 24 business in the state.</p> <p>25 And that's the statistics. Any</p>	<p style="text-align: right;">Page 15</p> <p>1 questions about the stats?</p> <p>2 CHAIRMAN FOX: No. I do want to 3 point out to Mr. Farmer, though, and, I mean, far 4 be it from me to ever notice this, but you have 5 graphs, he has numbers.</p> <p>6 MR. FARMER: Our graphs would have 7 to be so much bigger.</p> <p>8 MR. RADER: Take up more ink.</p> <p>9 MR. FARMER: It's easy to make it 10 look big when there's only 400.</p> <p>11 MR. HARDY: Okay. Jurisdiction 12 Online. You've heard that term before and Chris 13 has mentioned that. The Division has been in the 14 process of implementing or rolling out this new 15 Jurisdiction Online software to replace our 16 current EC METS software. And Jurisdiction 17 Online -- we've shortened that to "JO" -- their 18 representative, Patrick McCrary -- stand up again, 19 Patrick. Let everybody see you -- he's been here 20 with us all week, and we've been having some 21 pretty aggressive discussions and trying to get 22 what data we need to collect, and his homework and 23 our homework. But we're well under way with that 24 process, brainstorming, gathering information, and 25 kicking this thing off.</p>
<p style="text-align: right;">Page 16</p> <p>1 Chris mentioned that the elevator has 2 completed their process. They're now live with 3 the software. We do anticipate more growing pains 4 as we implement the software, but the rewards of 5 what the new system will give us will be very 6 advantageous. We'll have the capability of 7 tracking renewals, tracking individual devices, 8 and company -- company histories, and also 9 incorporating the online payment system as 10 elevators has done. We think that will be a 11 tremendous help to us.</p> <p>12 Fair season. Fair season is 13 currently in full swing, maybe on the south side 14 of the bell, but we've made several spot checks on 15 various fairs and festivals within the state. 16 Mainly what we do is verify that the devices from 17 the company's permit match the devices that are 18 operating on site there.</p> <p>19 All the fairs are important to us. 20 We've tried this year to especially visit and be 21 visible for the big guys. We spent a couple days 22 at the Wilson County Fair and the Tennessee State 23 Fair. I know Kevin has covered the Delta Fair 24 over in West Tennessee.</p> <p>25 This year we've also tried to visit</p>	<p style="text-align: right;">Page 17</p> <p>1 the traveling carnivals that are making their 2 first stop in the state. So we think that's 3 important, you know. Number one, they have to be 4 permitted, but number two, we want to get boots on 5 the ground and go out and make absolutely sure 6 that the devices they have set up and operating 7 have been inspected, and they are under their 8 permit umbrella, so...</p> <p>9 We're just working with the fairs and 10 carnival companies to ensure everything is 11 acceptable in accordance to the law. And fair 12 season does end with the Franklin County Fair that 13 begins on October 10th, is the last one as far as 14 the Tennessee Association of Fairs lists.</p> <p>15 We stay mindful of the urgency of 16 issuing these permit renewals prior to the fairs 17 operating in order to avoid backlogs. The staff 18 continues to do a very good job staying on top of 19 these renewals. And we're going to do whatever is 20 necessary on our end to ensure that these 21 companies that are playing these fairs and 22 festivals are permitted before they operate.</p> <p>23 Does anyone have any questions for me 24 regarding anything that I've gone over so far for 25 amusement devices? I've got one more thing.</p>

<p style="text-align: right;">Page 18</p> <p>1 MR. RADER: Mike, in your report, 2 it would be nice if you could provide the board 3 maybe a quarterly report of what accidents have 4 been reported within the amusement -- 5 MR. HARDY: We can do that. 6 MR. RADER: -- yeah, the 7 description of the accident and... 8 MR. FARMER: We can do that. And 9 just generally, to answer your question, 10 primarily -- and I always look for wood to 11 knock -- but primarily, the most consistent 12 accidents that we have reported are from 13 trampoline parks. And, as you say, it's the 14 nature of the beast, you know, broken ankles, 15 broken arms, broken legs. But these guys -- 16 primarily, East Tennessee is the highest 17 concentration of these type parks, and they're 18 clockwork now. They know that they have to shut 19 down that device, that they have to report that 20 accident, they have to get it inspected, and we 21 send business resumption once that process is 22 completed. 23 But we've had a couple of minor 24 things with traveling carnivals. Mr. Fox, I think 25 the last issue that we had at Dollywood was a</p>	<p style="text-align: right;">Page 19</p> <p>1 patron getting off of a device. It had nothing to 2 do with the operation of the device. We've had a 3 couple of those. 4 We did get accident reports in, but 5 after reviewing that, making the determination 6 that the device was not responsible. But we can 7 and we will get you some information in the next 8 meeting about accidents so you-all can stay 9 abreast of that. 10 The last thing I wanted to mention is 11 that the unit lost a former compliance officer and 12 friend, Andrew Rayborn, that lives in East 13 Tennessee. Andrew passed away on August 28th. He 14 was 31 years old, and he is survived by his wife, 15 Paige, and a one-year-old daughter, Ava Jade. And 16 Paige and Ava are in need of your thoughts and 17 prayers. So I wanted to mention that this 18 morning. 19 And again, I'll entertain any questions. 20 CHAIRMAN FOX: I want to say thank 21 you for bringing that up. Had you not, I would 22 have. He was a good soul and I hated to see that 23 happen. 24 Again, like Mitch said, Mr. Farmer, 25 if you would, maybe both of you could give us a</p>
<p style="text-align: right;">Page 20</p> <p>1 report on the number of incidents/accidents that 2 are out there. 3 MR. FARMER: Our reports are pretty 4 thorough about what happened and the accounts. 5 And we usually get an on-site accident report from 6 the companies. They do their own. We do ours and 7 they do theirs. We kind of put them together and 8 make a determination of what we think the cause 9 was and fix it or at least make a report of it, so 10 I'll be able to supply it for you. 11 CHAIRMAN FOX: Okay. Anything 12 else, gentlemen? Either one of you. 13 MR. HARDY: Not under this section. 14 CHAIRMAN FOX: All right. Thank 15 you very much. 16 Under old business, we have none. 17 Item Number 9, new business, we have none. 18 Item Number 10, open discussion 19 items: Status of vacant safety compliance officer 20 positions. 21 Ms. Jefferson, I'm going to make the 22 assumption you're going to talk about that. 23 MS. JEFFERSON: Yes, I'll talk 24 about that. 25 CHAIRMAN FOX: All right.</p>	<p style="text-align: right;">Page 21</p> <p>1 MS. JEFFERSON: Thanks to the 2 Department, as to the Division, our HR liaisons, 3 as well as the Tennessee Department of Labor and 4 Workforce Development's HR and the State HR 5 department, we've been able to actually make a 6 recommendation for two employees. We'll be 7 making -- actually, we made a recommendation to HR 8 for two safety compliance officers. We'll have 9 one in east Tennessee, one in Middle Tennessee. 10 The positions -- as I said, we have 11 staff to interview for those positions. So 12 interviews have taken place. They actually 13 selected applications for those positions, as well 14 as made a recommendation for hire to Tennessee 15 Department of Human Resources. 16 As a result, those employees are 17 scheduled to start next Monday. So we'll have 18 employees for both of those positions on Monday, 19 if everything is approved. And we expect for it 20 to be approved. And we expect for them to start 21 on Monday. That's September the 17th. So that 22 goal has been accomplished. 23 CHAIRMAN FOX: Ms. Jefferson, 24 that's good news. 25 MS. JEFFERSON: It's really good</p>

<p style="text-align: right;">Page 22</p> <p>1 news. And I have to thank all of the folks who 2 were involved, as I said, are HR. Liaison for the 3 department, we have Lynn. She also serves as our 4 HR liaison, Lynn Kirby. Mike, of course, he's 5 involved in the interview process. And we expect 6 for those folks to start on Monday. And during 7 the December meeting, Mike will bring or allow 8 those employees to attend the meeting, and they'll 9 come to the meeting and so you'll have an 10 opportunity to meet them at that time.</p> <p>11 CHAIRMAN FOX: Okay. Any comment 12 from the board members?</p> <p>13 (No verbal response.)</p> <p>14 CHAIRMAN FOX: The next item is the 15 process the amusement device unit utilizes to 16 discover new rides/attractions.</p> <p>17 MR. HARDY: Yeah. We were asked 18 about that, and I think everyone, in your books -- 19 board members, in your books, you have a copy of 20 the Amusement Device Unit's standard operating 21 procedures. That was completed and implemented on 22 July the 13th. A lot of hard work went into that 23 SOP. We wanted to create a user-friendly 24 cookbook-type document, which will be a big help 25 for our staff, the new safety compliance officers</p>	<p style="text-align: right;">Page 23</p> <p>1 coming board, and administrative personnel, as 2 they join the team.</p> <p>3 But we've been asked what means 4 compliance officers use to discover new and 5 current noncompliant companies, and you can find 6 this information on that SOP on page 18. I'll 7 read the segment that covers it. It's very short. 8 "Safety compliance officers discover and locate 9 through various means, such as internet searches, 10 as in Google, telephone calls; white/yellow pages; 11 industry lists, like the Tennessee Association of 12 Fairs website and listing, as I mentioned earlier; 13 local news publications; other unit staff members; 14 concerned citizens; other amusement device 15 companies; social media, examples, Facebook, 16 Twitter, Instagram, LinkedIn; other agencies, 17 Amusement Device Unit Tip Line, which is generated 18 from our website and automatically submitted to 19 us. Of course, company on-site visits and by any 20 other means as we see as necessary and acceptable 21 by the unit --</p> <p>22 It's our goal, in relation to the 23 SOP, to review it on a regular basis and make 24 necessary revisions on an annual basis. And so I 25 know it's several pages, but if you have any</p>
<p style="text-align: right;">Page 24</p> <p>1 questions ever, or any comments on anything that 2 you find in the SOPs, let us know, you know. We'd 3 be interested in your thoughts and what you might 4 have.</p> <p>5 CHAIRMAN FOX: Let me ask a 6 question of ignorance. Remember ignorance is 7 trainable; stupid is forever. So a question of 8 ignorance: The State, like the IRS, they issue a 9 number per business. Like, if you're a theme 10 park, your number is 1234. If you're a grocery 11 store, you're a 1278. Pick a number, pick a type. 12 Is there way, through the tax records, that you 13 could identify those specific, like, theme park or 14 businesses that would be related to the amusement 15 device world? Is there a way to do that through 16 the tax records somehow or other?</p> <p>17 MS. JEFFERSON: Now, when you say 18 "tax records," are you referring to state tax 19 records --</p> <p>20 CHAIRMAN FOX: Yes, ma'am.</p> <p>21 MS. JEFFERSON: -- or federal?</p> <p>22 CHAIRMAN FOX: Well, you've got to 23 have -- if you do business in the state, you've 24 got to go through the Secretary of State's office 25 and get a number and all that sort of thing.</p>	<p style="text-align: right;">Page 25</p> <p>1 MS. JEFFERSON: Okay. Now, the 2 Secretary of State's office, we can obtain 3 information on companies that are incorporated; 4 however, if it's a sole proprietorship, it 5 wouldn't be listed under the Secretary of State. 6 However, we have looked into whether or not to 7 pursue business licenses on the county level. 8 That's something that we can tap down into.</p> <p>9 We do work closely with our 10 Unemployment Insurance Division. That's our 11 division that handles what you were referring to, 12 taxes. We do have access to that information. 13 It's limited. And, of course, their information, 14 they allow us to use it, but it's confidential, so 15 to speak, and we can't release it outside of our 16 unit or our division and beyond the Department, 17 I'll say.</p> <p>18 So we do have access to that 19 information. Whether everyone is required to 20 actually submit, that's a question, because some 21 requirements -- there are some requirements that 22 you are only required to do that if you have a 23 certain number of employees.</p> <p>24 And you can probably help with that. 25 Is every company within the state required to do</p>

<p style="text-align: right;">Page 26</p> <p>1 that, or only if you have a certain number of 2 employees?</p> <p>3 MR. BAILEY: For unemployment 4 insurance premiums, it's if you have any 5 employees.</p> <p>6 MS. JEFFERSON: So if you have any 7 employees. Okay.</p> <p>8 So we can perform searches. We 9 actually utilize that program for labor standards 10 and some of our other programs within the 11 department. Not sure how helpful it will be, but 12 we'll certainly take a look at it. That's 13 something we'll be happy to take a look at to see 14 if we can identify additional companies that way. 15 It won't hurt to take a look at it. You just 16 never know unless you look.</p> <p>17 CHAIRMAN FOX: There's got to be a 18 tag in either the state tax records that says you 19 are an amusement device company or pick a name, or 20 whatever they choose to name it. I know I had a 21 little business on the side, and I had a specific 22 number. And I apologize for the fact I can't 23 think of what it's actually called. But it's -- 24 the IRS issues you a number --</p> <p>25 MS. JEFFERSON: It's like an</p>	<p style="text-align: right;">Page 27</p> <p>1 account number. I know the --</p> <p>2 MR. RADER: Yeah. SIC number.</p> <p>3 CHAIRMAN FOX: SIC number. That's 4 it.</p> <p>5 MS. JEFFERSON: Okay. Well, most 6 of those, the accounts for the state, I'm not sure 7 if they have SIC. I haven't seen that with the 8 records that we have access to.</p> <p>9 MR. BAILEY: Well, I mean, there's 10 code numbers that workers' comp uses and Tennessee 11 OSHA uses, you know, for businesses that are in 12 certain categories.</p> <p>13 CHAIRMAN FOX: Yes.</p> <p>14 MR. BAILEY: Now, whether or not 15 the Tennessee Department of Revenue, when they 16 issue a tax I.D. number, whether or not that's 17 based on the type of business they're in, I really 18 don't know.</p> <p>19 MS. JEFFERSON: We have pursued the 20 Tennessee Department of Revenue in the past, 21 and -- we were talking about this the other day -- 22 when we first began looking at the Amusement 23 Device Unit, we actually asked them to provide us 24 a list of companies who have "amusement device" in 25 their name and were affiliated with amusement</p>
<p style="text-align: right;">Page 28</p> <p>1 device companies.</p> <p>2 They did send us a list.</p> <p>3 Unfortunately, most of those didn't -- they 4 weren't the type of companies that we pursued.</p> <p>5 There were coin-operated companies. There were 6 other companies that had nothing to do with 7 what -- so that wasn't beneficial. We have talked 8 about workers' comp, as Dan indicated, because 9 they do have information through NCCI. And it 10 gives you a particular code number. And since 11 Mr. Rader is in the insurance industry, I'm sure 12 you're familiar with that. It gives you a 13 particular number.</p> <p>14 I believe we requested information 15 from workers' comp before. I'll have to take a 16 look at that. It's been a while since we reviewed 17 that information. But that may be an alternative 18 for us to obtain additional information. Because 19 they should have a code for amusement device 20 companies.</p> <p>21 And that's something, Mr. Rader, you 22 may be able to help us with.</p> <p>23 MR. RADER: You should be able to 24 pull that up through the Department of Workers' 25 Comp --</p>	<p style="text-align: right;">Page 29</p> <p>1 MS. JEFFERSON: I can contact 2 Workers' Comp, because that's --</p> <p>3 MR. RADER: -- with the NCCI number 4 that they give you.</p> <p>5 MS. JEFFERSON: Okay. So yeah, we 6 can take a look at that as well. In fact, we had 7 just talked about that with our JO representative 8 during his visit here. That's something that we 9 planned to do.</p> <p>10 CHAIRMAN FOX: But again, every 11 avenue that we can to identify these people is 12 going to be important -- or I think it's important 13 to utilize them if at all possible.</p> <p>14 Again, like you said, the county -- I 15 mean, we have 95 counties, and, you know, each one 16 of them has the same set of -- same data set or, 17 at least, hopefully they've got the same data set 18 that we could go to.</p> <p>19 MR. BAILEY: Now, with workers' 20 comp, they wouldn't have to have comp insurance 21 unless they had five employees.</p> <p>22 MR. RADER: Right.</p> <p>23 MR. BAILEY: Depends on whether or 24 not --</p> <p>25 MR. RADER: Correct.</p>

<p style="text-align: right;">Page 30</p> <p>1 MS. JEFFERSON: And a lot of 2 these -- I know we talked about that during our 3 discussion this week with Jurisdiction Online. 4 And most of the companies -- I know someone 5 brought out during the meeting that most of the 6 companies we deal with don't have five or more 7 companies. So that would limit us, as far as 8 that's concerned. But we can take a look at it 9 and see if they can provide us any more companies 10 than what we currently have. It won't hurt. 11 CHAIRMAN FOX: Again, we just need 12 to do whatever we can to identify those. And if 13 we can do that, send them a nice letter or go 14 visit... 15 MR. HARDY: Oh, yes. We have that 16 process. 17 CHAIRMAN FOX: Yes. We just need 18 to be there to show them that we care. 19 MR. HARDY: That's right. 20 CHAIRMAN FOX: Okay. Anything else 21 on that particular topic? 22 MR. MOORE: I have one topic for 23 discussion. 24 CHAIRMAN FOX: All right. 25 MR. MOORE: It's not on the agenda.</p>	<p style="text-align: right;">Page 31</p> <p>1 But recently, some of my employees had requested a 2 copy of the most recent version of ASME A17.1 3 2010. And if you go to ASME's website, it is not 4 available any longer. And I was going to ask Vic 5 and Chris, both, if they are aware of any 6 changes -- well, the most significant changes 7 between 2010 code, which is what the state is 8 currently under, versus '16, I think, maybe -- is 9 that the most recent version? 10 MR. FARMER: Yes. 11 MR. MOORE: And Vic, you may be 12 more exposed to that than what Chris is. 13 Is there a reason for us not to move 14 to 2016 code versus 2010? 15 MR. FARMER: The only thing keeping 16 us from doing it is doing it. You know, we have 17 to review it and make sure that we don't encompass 18 anything that we don't inspect. We do have 19 sections of the A17.1 2010 that we've deleted from 20 our rules that we don't inspect, like, private 21 residents, so it would basically be a look through 22 the codes and make sure that we don't adopt 23 anything that we don't want to have under our 24 jurisdiction. But no, there's nothing keeping us 25 from it, other than just doing it.</p>
<p style="text-align: right;">Page 32</p> <p>1 MR. MOORE: What would be, from 2 your perspective, the preference? 3 MR. FARMER: To be honest with you, 4 I've tested under '10, because that's what we've 5 done. I've tested under '13. I've not tested or 6 done any real legwork in '16. I have fuel 7 inspectors that were QEI certified under '16. 8 They seem to like the code. It seems to be a 9 little more -- they take some of the language out 10 of the building code, out of the NEC, which is 11 electric code, and they put it in the elevator 12 book, which makes it -- it's in elevator language 13 instead of electrician language or architect 14 language. 15 What I'm hearing from them, it's a 16 good thing. What we wouldn't want to do is adopt 17 it without reviewing it and making sure that we're 18 not accepting something that we don't want in this 19 state, so... 20 MR. MOORE: And when will '19 be 21 out? 22 MR. FARMER: It should be soon, you 23 know. I mean, I don't know the exact -- I know 24 they're working on it. 25 MR. LAPORTE: Yeah. '19, it</p>	<p style="text-align: right;">Page 33</p> <p>1 probably would be closer to '20. They're usually 2 about a year behind. I can tell you -- it's 3 funny, because Chris and I were just talking about 4 this before the meeting. But the biggest actual 5 operational changes in the '16 code are the 6 addition of a lot of seismic pieces. So that's 7 probably the biggest change. 8 And then there's going to be some 9 things to review that we may want to change 10 locally, like a maintenance control program. 11 There's been a lot of issue with what the '16 code 12 actually requires and what most HJs have been 13 adopting. So there definitely should be some more 14 review work. 15 Like Chris said, though, they did 16 clean up the language nicely, and they also have, 17 in every section, actual notes to what changes 18 were made from previous '13 code and -- so it's a 19 nice track of how they've migrated to '16 code. 20 If you need, we could talk afterwards. I can 21 probably provide you copies of 2010. 22 MR. MOORE: Well, I actually found 23 it online somehow or another. Somebody decided to 24 post that. So that -- 25 MR. FARMER: We have several copies</p>

<p style="text-align: right;">Page 34</p> <p>1 of it upstairs, of '13 and '16.</p> <p>2 MR. MOORE: We should be good now.</p> <p>3 I just started thinking, you know, as it gets more</p> <p>4 and more difficult. And we're growing.</p> <p>5 MR. FARMER: And it's not just</p> <p>6 A17.1. It's also the handicap lift. We're</p> <p>7 currently under the '08 code for it, you know.</p> <p>8 And we're actually, for the ski lifts, under</p> <p>9 1999's code. There's not much changes to it,</p> <p>10 thank God. But it would be something that needs</p> <p>11 to be revised, so...</p> <p>12 CHAIRMAN FOX: Well, that begs the</p> <p>13 question, what do -- does this board have any</p> <p>14 authority to ask that we look at bringing the</p> <p>15 standards up to a certain year? I know at one</p> <p>16 point we had to be within five years, or whatever,</p> <p>17 of the last and final.</p> <p>18 MR. FARMER: Yeah, I don't think</p> <p>19 that's in effect for us.</p> <p>20 CHAIRMAN FOX: Okay.</p> <p>21 MR. FARMER: So that would be a Dan</p> <p>22 question. But actually, what we adopt is under</p> <p>23 the rules; it's not under the law, so it's --</p> <p>24 MR. BAILEY: Well, it -- no, it is</p> <p>25 stated in the law at 68-121-103(c) says, "Any new</p>	<p style="text-align: right;">Page 35</p> <p>1 technology, as defined in the adopted version of</p> <p>2 the Elevator Safety Code, as such code is defined</p> <p>3 in Rule 0800-3-10(7), shall be authorized for use</p> <p>4 under this chapter; provided, that such technology</p> <p>5 meets the latest published standards of the</p> <p>6 American Society of Mechanical Engineers Safety</p> <p>7 Code for Elevators and Escalators."</p> <p>8 So it says the latest version. So I</p> <p>9 don't know that that would require a rule change</p> <p>10 when the statute clearly says it.</p> <p>11 CHAIRMAN FOX: So, then, would this</p> <p>12 body, then -- would we need to make a</p> <p>13 recommendation that we move toward that, or does</p> <p>14 that just happen because the law says it will</p> <p>15 change on July the 1st or pick a date?</p> <p>16 MR. BAILEY: Well, with it being in</p> <p>17 the statute, I don't think there's anything the</p> <p>18 board needs to do, really.</p> <p>19 CHAIRMAN FOX: Okay.</p> <p>20 MR. BAILEY: It's just a matter of</p> <p>21 the Unit using it as -- if they think that it's</p> <p>22 applicable. I mean, I don't know if the latest</p> <p>23 standard is -- I mean, you would know better than</p> <p>24 I would of whether or not --</p> <p>25 MR. FARMER: The only thing I have</p>
<p style="text-align: right;">Page 36</p> <p>1 a question about is in the rules that we specify</p> <p>2 A17.1 2010 and what's deleted from it, why would</p> <p>3 we specify a code in the rules if the law says one</p> <p>4 thing? Is that just a...</p> <p>5 MR. MOORE: And does that create a</p> <p>6 problem, because that says the "latest version,"</p> <p>7 which is '16, and they're working on '19.</p> <p>8 MR. FARMER: But it's clearly</p> <p>9 specified in our rules. It's A17.1 2010 for all</p> <p>10 new technology.</p> <p>11 MS. JEFFERSON: And I believe</p> <p>12 that's something that we were looking at</p> <p>13 previously, when we submitted the rules. We had</p> <p>14 to put that on hold. But I think that's something</p> <p>15 that we had talked about previously, in that the</p> <p>16 next time, we don't want to put a specific year;</p> <p>17 we want to just say the latest version. Because</p> <p>18 that will eliminate all these types of</p> <p>19 discrepancies.</p> <p>20 MR. BAILEY: Well, in the</p> <p>21 definition of rules, it says ASTM standard, you</p> <p>22 know --</p> <p>23 MR. FARMER: I'm sorry, what did</p> <p>24 you say? I'm sorry, Dan. What did you say the</p> <p>25 standard was?</p>	<p style="text-align: right;">Page 37</p> <p>1 MR. BAILEY: Under definitions in</p> <p>2 the rules, the definition for ASTM standard says</p> <p>3 the latest standards and specifications set forth</p> <p>4 by the American Society for Testing Materials.</p> <p>5 CHAIRMAN FOX: That's for</p> <p>6 amusement. This is ASME.</p> <p>7 MS. JEFFERSON: And so we just need</p> <p>8 something similar to that for elevator, in the</p> <p>9 language similar to that for the elevator --</p> <p>10 CHAIRMAN FOX: Well, that's why I</p> <p>11 was asking, do we need to make a recommendation to</p> <p>12 you-all to move forward with that or -- I'm</p> <p>13 looking for the process.</p> <p>14 MR. FARMER: I remember updating to</p> <p>15 2010's rule. We went through the rules and we</p> <p>16 actually went through and had a codes committee --</p> <p>17 like, a sub-board or a subcommittee that reviewed</p> <p>18 the A17.1 2010 code from front to back before we</p> <p>19 decided to put in the rules.</p> <p>20 CHAIRMAN FOX: Yes.</p> <p>21 MR. MOORE: And that had something</p> <p>22 to do, if I remember, with MRLs, and then that's</p> <p>23 why we did that.</p> <p>24 MR. LAPORTE: Well, there's also</p> <p>25 language that refers now to A17.1 to A17.7, which</p>

<p style="text-align: right;">Page 38</p> <p>1 is a huge can of worms, if you wanted to get into 2 that. So we'd have to really review it and make 3 sure that adopting 2016 A17.1 doesn't force the 4 state to recognize A17.7, unless that's something 5 you want to do.</p> <p>6 MR. FARMER: A17.7 basically says 7 we allow you to bring whatever you want in the 8 state as long as you have somebody that says it's 9 safe, outside of us.</p> <p>10 MR. LAPORTE: To test their own new 11 developed product.</p> <p>12 MR. MOORE: Yes. That's why 13 there's a problem there. And that's why, if that 14 is the law, that could actually contradict itself 15 because, you know, we're saying, as a board, 2010 16 is what we go by. But if it's stated in the law 17 that we're going by the latest version, then those 18 two are butting heads.</p> <p>19 CHAIRMAN FOX: Yes.</p> <p>20 MR. MOORE: Especially with, like 21 you said, the A17.7 that says, you know, you make 22 it and Joe Blow, your engineer says, "Oh, it's 23 safe. You're good." And I don't agree with that.</p> <p>24 CHAIRMAN FOX: I don't either. You 25 can't inspect yourself.</p>	<p style="text-align: right;">Page 39</p> <p>1 MR. MOORE: Absolutely.</p> <p>2 CHAIRMAN FOX: That just doesn't 3 work.</p> <p>4 MR. BAILEY: The rules under the 5 elevator safety code does reference what Chris was 6 saying in the 2010, the 19th edition, approved by 7 the American National Standards Institute in 8 October 19, 2010, effective as of June 30, 2011.</p> <p>9 So, you know, I mean, the statute 10 overrules the rules, you know, but it would 11 probably be a thing where you would want to clean 12 the rules up so that people aren't confused, at 13 some point in time.</p> <p>14 MS. JEFFERSON: And I believe that 15 was on the -- when we proposed the previous rules, 16 I believe you had some information you wanted to 17 clean up in the rules that we proposed. We were 18 thinking about modifying the device --</p> <p>19 MR. FARMER: I don't think 20 that's -- I don't think this was part of it.</p> <p>21 MS. JEFFERSON: If it wasn't, then 22 yeah, we need to do that.</p> <p>23 MR. HARDY: There's a lot of work 24 that needs to be done on amusement rules.</p> <p>25 MS. JEFFERSON: So yeah, we</p>
<p style="text-align: right;">Page 40</p> <p>1 probably do want to make that part of -- yeah, we 2 probably want to establish a subcommittee, maybe 3 two subcommittees, one for amusement devices and 4 one for the elevator unit so that we can actually 5 clean up those sections of the rules.</p> <p>6 CHAIRMAN FOX: And when would you 7 want to do that?</p> <p>8 MS. JEFFERSON: I would suggest, 9 with additional meetings coming up, probably 10 beginning of next year. I would suggest probably 11 after the holidays. That would probably be good, 12 unless you-all wanted to -- it's up to you-all.</p> <p>13 If you want to start meeting prior to the 14 holidays, I know that we have three boards, and we 15 have meetings for all three boards coming up 16 throughout the remainder of the year. So that's 17 why I would suggest the beginning of the calendar 18 year.</p> <p>19 CHAIRMAN FOX: Okay. Then the 20 question becomes would we need to submit this to 21 anybody, other than ourselves, to any governing 22 body, other than ourselves, or whatever, to get 23 this in process?</p> <p>24 MS. JEFFERSON: Right. And Dan 25 actually handles the rulemaking process.</p>	<p style="text-align: right;">Page 41</p> <p>1 CHAIRMAN FOX: Okay. So --</p> <p>2 MS. JEFFERSON: Also, we have our 3 legislative liaisons, and we'll be in touch with 4 them as well.</p> <p>5 CHAIRMAN FOX: Okay. But just 6 trying to think ahead and establish that drop-dead 7 date of when we need to have the rules ready for 8 process to the next step.</p> <p>9 MS. JEFFERSON: I guess once 10 you-all start, you probably want to take a look at 11 the process, because as Mr. LaPorte was saying, 12 it's going to take -- it may take a little more 13 time, as far as the elevator rules are concerned, 14 more specification. We would love to have it 15 completed by March, if we could, but I'm not sure 16 if that's unreasonable.</p> <p>17 So I think we have to take a look at 18 it. Once you-all maybe have your first meeting, 19 you can let us know, and then we can just go from 20 there.</p> <p>21 MR. FARMER: To streamline the 22 process, they have a thing called summary of 23 changes. And it's going to basically tell you 24 what the difference between this code and the next 25 code is. The problem with it is there's one in</p>

<p style="text-align: right;">Page 42</p> <p>1 between it. We're under 2010, so we'll have a 2 summary of changes between '10 and '13, and then 3 you'll have a summary of changes between '13 and 4 '16. So you would have to basically put the two 5 together and make sure that you're not -- that 6 we're not recommending an adoption of something 7 that we don't want in this state. And it 8 basically gives people a license to put in 9 whatever they want to, ever how they want to do 10 it. And we don't have a say on it as long as 11 they've got a piece of paper that says it's safe. 12 And our accident reporting is pretty 13 low, and I would like to keep it that way. 14 MR. MOORE: Amen. 15 CHAIRMAN FOX: And globally, our 16 job is to keep them safe, whether they really want 17 that or not. 18 MR. FARMER: Yes. And Vic LaPorte, 19 he can agree with me. It's not something that you 20 just want to wildly say we want to adopt this 21 without taking into real consideration what you're 22 saying, you know, and what you're doing. 23 MR. LAPORTE: And there is some 24 strong criteria for the companies. They don't 25 just get to say themselves, that something is</p>	<p style="text-align: right;">Page 43</p> <p>1 safe. They have to have it tested by third-party 2 engineers. But the scary thing about it is it's 3 still new technology. There's a lot of bugs that 4 come out and happen. Because they test a specific 5 piece or a specific function of a new piece of 6 equipment, but not necessarily in the totality of 7 the elevator or the escalator. Other things, 8 then, do happen, so, you know, down the road, some 9 of these things that are A17.7, I think, would 10 naturally migrate to A17.1. And at that time, 11 there's probably enough mileage behind them that 12 they are proven, not only in a factory or a test 13 setting, but actually out in the field. 14 MR. MOORE: It's the real world. 15 MR. LAPORTE: And if that takes 16 place in other states, that's fine by me. 17 MS. O'CONNOR: Help me understand, 18 because I'm not in the industry. Is this a 19 difference in '13 or '16 or both of them? 20 MR. LAPORTE: It's both, actually. 21 There's some -- not -- I mean, we're talking about 22 this A17.7. It's a major change. But other 23 than -- 24 MS. O'CONNOR: But in that 25 change -- that seems to be the most frightening --</p>
<p style="text-align: right;">Page 44</p> <p>1 has that change been made in '16. 2 MR. FARMER: I think the language 3 is in all of them; it's just a little more intense 4 in '16. 5 MS. O'CONNOR: Okay. 6 MR. FARMER: They touch on A17.7. 7 It's an existing code that they date along with 8 other codes. It's getting to be a little more 9 broad, you know. I think they would have a small 10 scope at the beginning, and now it's a big scope. 11 MR. LAPORTE: And I will say the 12 2010 code is a really good, solid code. What's 13 nice about the 2016 is the clean-up of the 14 language. It's easier for the inspectors to 15 follow. It's easier for the elevator companies to 16 follow. Reporting-wise, log sheets, things like 17 that make it much easier for people utilizing the 18 code out in the field to understand it and be 19 compliant. 20 MS. O'CONNOR: And that makes sense 21 to me, but there again, as somebody without that 22 technical expertise, if I were watching TV, saw 23 that somebody had an accident and then found out 24 we were inspecting to go a code eight years ago 25 when there are other codes since then, to me,</p>	<p style="text-align: right;">Page 45</p> <p>1 that's problematic. Even though we might have 2 very good reasons for it, you know, the general 3 public doesn't understand the intricacies of it. 4 I mean, it just sounds bad, and it seems very 5 problematic, so I think we do need to look at that 6 and see how we can do the best job for the safety 7 of everybody. 8 MR. LAPORTE: There's authorities 9 still operating under 1996 code. And that's 10 something that would have to be explained, because 11 I understand the perception. But as far as the 12 equipment that the code is covering itself, very 13 little has changed between 2010 -- actually, 14 between 2007 and 2016 there's very little that's 15 changed. 16 MR. FARMER: And if it makes you 17 feel any better -- well, I don't know if it will 18 make you feel better -- we'll always inspect 19 elevators under 2010 code that were installed 20 under 2010 code. 21 MS. O'CONNOR: Right. 22 MR. FARMER: So if we adopt the 23 2016 code, that would be just for new elevators 24 being installed. We have an existing code, which 25 is a 1996 code that brought every elevator from</p>

<p style="text-align: right;">Page 46</p> <p>1 1960 up to 1996 up to this certain code. 2 MR. MOORE: A17.3. 3 MR. FARMER: Yeah, which is A17.3 4 1996. So we made -- back in 2000, I guess, we 5 adopted the A17.3 code that brought all of them up 6 to a certain standard. And then it kind of 7 follows whatever it's installed under after that. 8 So we'll still use the 2010 code for 9 whatever it was installed under. 10 MS. O'CONNOR: But with all this 11 building going on right now... 12 MR. FARMER: Yes. Yeah, and what 13 people are saying about the clean-up of the 14 language, we use multiple code books now. We use 15 an international building code. It has an 16 elevator section. We have -- and the actual 17 electric code has an elevator section. 18 And they contradict each other a lot, 19 and it's really complex to figure it all out. 20 Well, elevator personnel has got into this 21 business where we're going to write it in our 22 codes where we don't have to use this 23 international building code as much or this 24 electric code, so that me and Vic can understand 25 it, because we're elevator guys. It's not an</p>	<p style="text-align: right;">Page 47</p> <p>1 electrician trying to write elevator language. 2 And it's where the problem lies. So yes, adopting 3 a new code would be a great idea. 4 MS. O'CONNOR: In theory. 5 MR. FARMER: To make sure that we 6 get the part that we want out of it is a better 7 idea. 8 MR. MOORE: Absolutely. 9 CHAIRMAN FOX: So, Ms. Jefferson, 10 have we figured out the so-called deadline to have 11 whatever we need to have in place to give it to 12 the rulemaking committee and -- do we have that 13 date? 14 MS. JEFFERSON: Well, we don't have 15 a date. That's what we were just talking about. 16 It depends on when you-all meet. I think the 17 first thing that should be considered is the 18 establishment of subcommittees. So if you-all can 19 agree to establish your subcommittees -- I was 20 just asking Dan whether or not those subcommittees 21 had to be -- whether or not those committees have 22 to be held in a public forum, which we don't think 23 that they would have to be held in a public forum, 24 so you-all would be able to meet, you know, as you 25 wish.</p>
<p style="text-align: right;">Page 48</p> <p>1 But the establishment of two 2 subcommittees, one for the amusement device unit 3 to review the rules and one for the elevator unit 4 to review the rules. And then we can just go from 5 there. 6 MR. RADER: I'm just curious why we 7 would need to have subcommittees when we are the 8 board that represents both the elevator and 9 amusement devices. 10 MS. JEFFERSON: Well, however you 11 want to do it. I was just thinking of a good way 12 to actually approach both, because you have to put 13 a lot of time and effort into both of those. So 14 however you-all wish to do it. 15 CHAIRMAN FOX: I think the law 16 actually states that we have to have a 17 subcommittee for the elevator division. 18 MR. BAILEY: I think you're right. 19 CHAIRMAN FOX: I'm reasonably sure 20 that's correct. 21 MR. BAILEY: But -- and you can 22 either tell me I'm right or I'm wrong, but the 23 first step of the rulemaking process is getting 24 approval from the Governor's office, and I don't 25 think that's going to happen until we get a new</p>	<p style="text-align: right;">Page 49</p> <p>1 governor. 2 CHAIRMAN FOX: True. 3 MR. BAILEY: So that's going to 4 slow it up a little bit. 5 CHAIRMAN FOX: But if we were ready 6 to go and hand that over, would it work? 7 MS. DURM: Sir, if I may... 8 CHAIRMAN FOX: Please. 9 MS. DURM: So the rulemaking 10 process, you know -- there's the legislative 11 process and there's the rulemaking process. And 12 the rulemaking process continues throughout the 13 year, no matter if the legislature is in session 14 or not. The government operations committee is 15 one of those committees that meets around the 16 year. 17 So if we're looking at amending or 18 revising any rules, once we find the language that 19 you-all have deemed to be appropriate or that 20 you've agreed upon, and we do run it through the 21 governor's office, the next step -- it's a fairly 22 lengthy office -- in general, it goes to the AG's 23 office for approval, to be vetted. It then goes 24 to the Secretary of State's office. And usually, 25 once it's received by that office, it'll be slated</p>

<p style="text-align: right;">Page 50</p> <p>1 before the legislature, usually within about three 2 months. So you're looking at several months for 3 your timelines. I mean, even if you start working 4 on it the first of the year, you're probably 5 looking at next fall for those to be approved. 6 Once they do go from the Secretary of 7 State's office, those go before the government 8 operations committee. And we then go before them 9 and present the rules for their vote and for their 10 final approval. 11 CHAIRMAN FOX: And I'm just looking 12 for that drop-dead date that says you've got to 13 have this done by this date to get it in front of 14 all the committees that you just talked about. 15 MS. DURM: Yes, sir. And so 16 that's -- and, of course, it's a revolving 17 process, so -- and you may all want to start on 18 them, I mean, ASAP. That is up to y'all. And so 19 I just wanted to shed a little light on the 20 timeline and the process. 21 CHAIRMAN FOX: And I appreciate it. 22 Thank you. 23 MR. BAILEY: I'll say this: The 24 boiler board, about a year or so ago, recently 25 completely redid their rules. And the way they</p>	<p style="text-align: right;">Page 51</p> <p>1 did it was by emailing drafts back and forth to 2 all the members, and each member commenting on 3 what they either thought should be changed or 4 should be added or not changed or whatever. And 5 then at the next board meeting, they would talk 6 about, "Okay. Here is where we're at in the draft 7 of these rules. Are there any other comments?" 8 But it was mainly done back and forth 9 through emails, through joint -- group emails. 10 And that seemed to work pretty good. It took a 11 while, but it was a total revamp of their rules. 12 And it could be a thing where, you know, Chris, in 13 the elevator unit maybe goes through and comes up 14 with a draft as to -- you know, here is what we 15 think are some changes needed, and then, you know, 16 email that to all the board members, get comments 17 or, you know, additions or whatever, and then just 18 back and forth until we hammer it out, the final 19 version that everybody says is okay. 20 MS. JEFFERSON: And it took a 21 while. 22 MR. BAILEY: It took a while, yeah. 23 But that seems to be the easier way to do it in 24 today's world than trying to operate by 25 subcommittees and that kind of thing. It's just a</p>
<p style="text-align: right;">Page 52</p> <p>1 suggestion. 2 MS. O'CONNOR: I'm on one of the 3 state boards for health right now, and we're going 4 through the same process. We started, I think, in 5 June. I think we've had four meetings and we've 6 been sitting down, literally going through the 7 rules page, by page, as a group. And it's been 8 really tedious. It's been good and we've made 9 some great changes, but it's a lengthy process. 10 It's fairly tedious. But the results are 11 excellent. So that's another way of doing it. 12 MR. FARMER: Without looking at the 13 '16 code -- I've looked at it and done a few 14 things out of it -- I think we would need to break 15 it down in sections, you know, Section 1, 16 Section 2, Section 3, and see what parts of it 17 that we would want to exempt from the rules. 18 That's basically what we did on 2010. You know, I 19 hate to keep doing this, but private residence -- 20 we don't do private residence elevators. That's 21 one section that's going to be in that code book 22 that we're going to exempt from our rules. 23 So I think on my end that's the only 24 way I would be able to handle it, is to go through 25 each section and make sure that they have not</p>	<p style="text-align: right;">Page 53</p> <p>1 snuck anything in that somebody can use, you know, 2 to bring in a product that may not be as safe as 3 we want it. 4 MR. MOORER: Chris, what's the 5 difference between a rule and a standard? I'm 6 thinking about national electrical code standards. 7 Is that what we're talking about being a rule? 8 MR. FARMER: Well, the rule, 9 actually -- and I don't want to -- the rule is 10 more we're adopting a standard. Right? 11 MR. BAILEY: Right. 12 MR. FARMER: So a standard is what 13 we use to inspect elevators by; the rule tells us 14 which one to use. 15 MR. BAILEY: It's the same with 16 Tennessee OSHA standards, right? You know, we 17 have to, by rule, adopt what OSHA standards that 18 we're adopting for our state standards. And we 19 adopt most all of them. Some of them we don't, 20 and some of our standards are more stringent than 21 the federal standards. But we have to do that by 22 rule. 23 MR. MOORER: Okay. I'm with you. 24 MR. FARMER: And please keep in 25 mind that we've got several of these that we'd</p>

<p style="text-align: right;">Page 54</p> <p>1 have to do. It's not just elevators. You know, 2 we do the handicap lifts, the --</p> <p>3 MR. LAPORTE: Dumbwaiters. 4 MR. FARMER: Well, I think 5 dumbwaiters, hopefully, are still on A17.1 '16. 6 And we do the aerial lifts. We'll have to update 7 it. And just to forewarn you, you might get some 8 kickback on some of the owners that this is going 9 to raise prices for stuff that they're going to 10 have to start doing, so just to mentally prepare 11 you for that.</p> <p>12 CHAIRMAN FOX: Well, there were 13 some issues when we did ten, when we brought that 14 up.</p> <p>15 MR. FARMER: Exactly. There's more 16 issues of people wanting us to do it than there 17 was people not wanting us to do it at the end.</p> <p>18 CHAIRMAN FOX: Yeah, there were 19 some issues. 20 Yes, ma'am?</p> <p>21 MS. DURM: Chairman, this is 22 something you-all just may want to consider, to 23 start reviewing the language, because it is a 24 tedious process. And then that way, if it's done 25 and decided under Governor Haslam or under our</p>	<p style="text-align: right;">Page 55</p> <p>1 next governor, then we'll cross that bridge when 2 we get there.</p> <p>3 CHAIRMAN FOX: Okay. So, 4 Mr. Bailey, if I were to ask this sublime and 5 august group right here to serve on two 6 committees, then I pick Mr. Moore and Ms. O'Connor 7 and Mr. LaPorte for the elevators, and I pick 8 Mr. Moorner and Mr. Rader and Mr. Hale for the 9 amusement rides, and then ask these two gentlemen 10 to be a part of that as a liaison to 11 Ms. Jefferson.</p> <p>12 Am I violating any tenant rule or law 13 standard or anything else?</p> <p>14 MR. BAILEY: I don't believe so. 15 The statute does reference the fact that -- it 16 says there is established a subcommittee whose 17 focus shall be related to issues concerning 18 elevator safety. The members of the subcommittee 19 shall be the five members of the board whose focus 20 is elevator safety.</p> <p>21 So it already talks about a 22 subcommittee for elevator safety. It doesn't say 23 that about amusement device, but there's nothing 24 wrong with establishing a subcommittee for the 25 purpose of devising the rules.</p>
<p style="text-align: right;">Page 56</p> <p>1 MR. MOORE: Did they say there had 2 to be five members?</p> <p>3 MR. BAILEY: It says the five 4 members that are --</p> <p>5 MS. JEFFERSON: A total of eight. 6 MR. BAILEY: The members of the 7 subcommittee shall be the five members of the 8 board whose focus is elevator safety.</p> <p>9 MS. JEFFERSON: So there are five 10 on elevator safety, and then you have three 11 members for amusement device, the amusement device 12 representatives. We have the fixed rides, 13 representatives for the fixed rides. We have 14 Mr. Hale, who is the --</p> <p>15 CHAIRMAN FOX: Fair association. 16 James Roy Pope?</p> <p>17 MS. JEFFERSON: Yes. 18 CHAIRMAN FOX: Are we missing 19 someone? Who are we missing?</p> <p>20 MR. RADER: Those two. 21 CHAIRMAN FOX: Well, those two, 22 but --</p> <p>23 MR. BAILEY: The board has eight 24 members. Five are elevator safety. Two are -- 25 members shall be amusement device safety and one</p>	<p style="text-align: right;">Page 57</p> <p>1 shall be traveling amusement device safety. 2 MS. JEFFERSON: So there's three 3 amusement.</p> <p>4 MR. BAILEY: Yes, three amusement. 5 MR. FARMER: And the five could be, 6 like, insurance, right?</p> <p>7 MR. BAILEY: Yes. 8 MR. FARMER: Okay. 9 MR. MOORE: Congratulations. 10 MR. RADER: Look what you started. 11 MR. BAILEY: Have you got any more 12 questions?</p> <p>13 MS. O'CONNOR: And, Mr. Chair, I'm 14 happy to serve. I'm happy to double up if you 15 need me to.</p> <p>16 CHAIRMAN FOX: Okay. Then 17 Mr. Moorner, will you serve with this -- again, 18 this -- the three of you and Mr. LaPorte and 19 myself?</p> <p>20 MR. MOORER: Yes. 21 CHAIRMAN FOX: And that way, that 22 will work out. Can I serve on two committees, and 23 that way we've taken care of that numbers game? 24 MR. BAILEY: I don't see any reason 25 why you couldn't do it.</p>

<p style="text-align: right;">Page 58</p> <p>1 CHAIRMAN FOX: It's not that I 2 really want to. But that takes care of the 3 numbers game. 4 MS. JEFFERSON: That's good. 5 CHAIRMAN FOX: And then, Mr. Rader, 6 Mr. Hale, and Mr. Pope -- well, we don't have to 7 have five on that, do we? Then we'll take care of 8 the other side, too. 9 MR. BAILEY: Okay. 10 CHAIRMAN FOX: Do you-all accept -- 11 MS. O'CONNOR: And if you need a 12 fifth on the other one, I'm happy to do that. 13 CHAIRMAN FOX: Okay. But I don't 14 think we have to have a fifth on the amusement 15 side. But it does state that we have to have 16 five. So that gets the five of us. So if you-all 17 will accept, then we will say that that works. 18 MR. MOORE: I accept. 19 CHAIRMAN FOX: Because I don't 20 think that I have to say a motion and all that to 21 make that happen. Just that you're pointed to 22 that subcommittee, right? 23 MR. BAILEY: Correct. 24 CHAIRMAN FOX: Okay. So you will 25 send us the --</p>	<p style="text-align: right;">Page 59</p> <p>1 MR. FARMER: Summary of changes. 2 CHAIRMAN FOX: -- summary of 3 changes. 4 MR. LAPORTE: I'm going to have to 5 locate them. 6 CHAIRMAN FOX: Okay. Send that to 7 the group of five, and then -- so, Mr. Hardy, will 8 you, then, work with Mr. Rader, myself, Mr. Hale, 9 and Mr. Pope to work on the amusement side, and 10 then we'll send that -- from both of these, we'll 11 have to funnel everything to Ms. Jefferson. 12 She'll be the conduit. And then she comes to you; 13 is that correct? And then you pass it on. 14 MR. BAILEY: Yes. 15 CHAIRMAN FOX: Did I get all the 16 points and pieces? 17 MS. DURM: I think so. 18 CHAIRMAN FOX: Okay. That's what 19 we live for. Thank you. Okay. 20 You'll still ride home with me, won't 21 you? 22 MR. RADER: You're an overachiever, 23 is all I can say. 24 CHAIRMAN FOX: Okay. 25 MR. MOORER: Will these committee</p>
<p style="text-align: right;">Page 60</p> <p>1 meetings be in the Caribbean somewhere? 2 CHAIRMAN FOX: Well, let's wait 3 until after hurricane season, if you don't care, 4 because there's another one coming through right 5 now. 6 So when would you be able to get us 7 that information and then let us get started? 8 MR. FARMER: Without putting me on 9 the spot, I would say no later than the first of 10 October. Is that too late? 11 MR. MOORE: That's good. 12 MR. FARMER: I hate to -- I have 13 IPEs, which is individual performance evaluations 14 coming up and they are time consuming. So I need 15 a few weeks on them. 16 MS. O'CONNOR: So, no sooner than 17 October. 18 MR. FARMER: No. If I can get them 19 sooner, I'll get them out sooner. But no later 20 than October 1st. Is that good? I'm going to 21 weigh on my board member over here to help me out 22 with this. 23 MR. HARDY: For discussion 24 purposes, let me ask you, I think the amusement 25 devices is a little bit different in relation to</p>	<p style="text-align: right;">Page 61</p> <p>1 elevators. I mean, the coasters and devices at 2 Dollywood, you have to meet the current standard. 3 CHAIRMAN FOX: Yes. 4 MR. HARDY: You have to meet the 5 current standard? 6 CHAIRMAN FOX: We do. 7 MR. HARDY: And what I've seen, as 8 far as our clean-up, the original rules will all 9 address a specific standard, which most of them 10 are obsolete. You know, ASTM requires that the 11 standard be updated every two years. 12 CHAIRMAN FOX: Uh-huh. 13 MR. HARDY: But I just wanted to 14 make sure we were on that same wave length. The 15 Flying Eagle has to meet the latest standard on 16 coasters. 17 CHAIRMAN FOX: Yes. ASTM meets, 18 like, twice a year. Now, they take forever to 19 pass a particular standard or to mandate it, but 20 once they do, then it becomes, quote -- well, I'll 21 just say our standard. I don't want to use the 22 word "law." 23 MR. HARDY: Right. 24 CHAIRMAN FOX: But it's the 25 standard that we have to operate with.</p>

<p style="text-align: right;">Page 62</p> <p>1 MR. HARDY: Yeah. The current 2 standard is the standard. 3 CHAIRMAN FOX: Yes. If it's -- 4 MR. HARDY: Well, I've noticed in 5 the rules that the standard are specific to year. 6 CHAIRMAN FOX: Yes, they are. 7 MR. HARDY: You know, mostly the 8 suffix of 2010, 2009, so that's all absolute and 9 we'll have to clean that up. 10 CHAIRMAN FOX: Yes. 11 MR. HARDY: But I think that's 12 going to be the majority of what we'll do. 13 MR. BAILEY: Yeah. I was going to 14 say the amusement device portion of the rules 15 probably -- there probably won't be a lot of 16 revisions needed, I wouldn't think, because 17 they're not that old to begin with. 18 CHAIRMAN FOX: Okay. But 19 nevertheless, let's take a strong look at both 20 sides of this equation. And you -- Mike, you'd 21 serve with the amusements, and you would serve 22 with the others. 23 MR. FARMER: (Nods head.) 24 CHAIRMAN FOX: Now, one other -- 25 just trying to think ahead and look ahead. Do you</p>	<p style="text-align: right;">Page 63</p> <p>1 have a -- like, if we wanted to have a conference 2 call once every other week, is there a call-in 3 number that you-all use and a call-in service? I 4 know we do. My God, we have more conference calls 5 than you ever knew what to do with. 6 MS. JEFFERSON: We have a bridge 7 line. 8 CHAIRMAN FOX: A bridge line. 9 MS. JEFFERSON: As long as the 10 bridge line is available, all we have to do is 11 just contact the Commissioner's office and 12 schedule. 13 CHAIRMAN FOX: Okay. So if you 14 could furnish us that number to where we could 15 establish the different phone calls. And then, 16 obviously, we can do our own groups in sending 17 that out. That's kind of an easy one. 18 MR. FARMER: We actually used Webex 19 during the JO implementations and it worked out 20 really well. So it may be something we can 21 utilize, too. 22 CHAIRMAN FOX: Whatever technology 23 we can use to make it easier, faster, and more 24 efficient, let's do that. 25 MR. FARMER: Okay.</p>
<p style="text-align: right;">Page 64</p> <p>1 CHAIRMAN FOX: Because time is very 2 valuable. 3 MR. FARMER: We'll try to do most 4 of the legwork where it's basically just a review 5 for your guys. 6 CHAIRMAN FOX: Well, we certainly 7 expect you to do the legwork. Yes, you and 8 Mr. Hardy. 9 MR. FARMER: I'll put that on that 10 other third, fourth, or fifth job I've got, sixth 11 job I've got. 12 CHAIRMAN FOX: We don't do legwork 13 real easy. 14 Well, now that we've sufficiently 15 added a lot of work and time to everybody... 16 MR. MOORE: I'd like to officially 17 apologize. 18 MR. RADER: Too late now. 19 MR. FARMER: It's needed to be 20 done. 21 MS. O'CONNOR: It's a good thing. 22 CHAIRMAN FOX: That was the 23 question that needed to be asked. It truly was, 24 and I thank you for that. 25 MR. FARMER: If it makes you feel</p>	<p style="text-align: right;">Page 65</p> <p>1 any better, Vic was going to say it and I put him 2 on the hot seat and said don't say anything yet. 3 CHAIRMAN FOX: Okay. Anything else 4 on that particular subject? 5 (No verbal response.) 6 CHAIRMAN FOX: If not, moving 7 forward to Number 11, announcement of the next 8 meeting. The next regularly scheduled meeting of 9 the Elevator and Amusement Device Safety Board 10 will be held at 9:00 a.m. on Tuesday, December the 11 4th, right here. 12 Do I have a motion to adjourn? 13 MR. RADER: So moved. 14 CHAIRMAN FOX: We are adjourned. 15 Thank you very much. Again, good meeting. 16 END OF THE PROCEEDINGS. 17 18 19 20 21 22 23 24 25</p>

1 CERTIFICATE

2 STATE OF TENNESSEE)

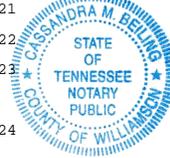
3 COUNTY OF WILLIAMSON)

4 I, Cassandra M. Beiling, a Notary Public
5 in the State of Tennessee, do hereby certify:

6 That the within is a true and accurate
7 transcript of the proceedings taken before the
8 Elevator and Amusement Device Safety Board and the
9 Chief Inspector or the Chief Inspector's Designee,
10 Tennessee Department of Labor and Workforce
11 Development, Division of Workplace Regulations and
12 Compliance, Elevator and Amusement Device Unit, on
13 the 12th day of September, 2018.

14 I further certify that I am not related to
15 any of the parties to this action, by blood or
16 marriage, and that I am in no way interested in
17 the outcome of this matter.

18
19 IN WITNESS WHEREOF, I have hereunto set my
20 hand this 27th day of October, 2018.



21
22 *Cassandra M. Beiling*
23 _____

24 Cassandra M. Beiling, LCR# 371
Notary Public State at Large
My commission expires: 3/15/2020
25

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\$50,000 10:5	19th 39:6	5 7:6	acceptance 11:17,21 12:1
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